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09/603,144	06/23/2000	Gregory Jones	5053-28000	1593

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/603,144

Applicant(s)

JONES ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Notice to Applicant***

- 1. This communication is in response to the application filed  
23 June 2000. Claims 1-40 are pending.***

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKee et al (6,272,482) in view of Hammond et al (5,613,072).

(A) As per claim 1, McKee discloses a system comprising: a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules

(Col.1, lines 6-37); a database which stores rules data which is transformable to said plurality of rules (Col.1, lines 6-57).

McKee does not explicitly disclose said database is separate from said rules engine. However, this feature known in the art, as evidenced by Hammond. In particular, Hammond suggests a database which is separated from said rules engine (Col.13, lines 54-67 to Col.14, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Hammond within the system of McKee for providing a generated models which are installed onto a designated computer accessible by the insurance carrier. The insurance carrier maintains and updates its active workers' compensation claims on a host computer at the carrier facility (See Hammond Col.2, lines 31-34).

(B) As per claim 2, McKee discloses the system further comprising: a translator program which is operable to read said rules data from said database and transform said rules data into said plurality of rules for use by said rules engine (Col.7, lines 5-26).

(C) As per claim 3, McKee discloses the system wherein said translator program is operable to read said rules data from said database (Col.6, lines 10-34).

(D) As per claim 4, McKee discloses the system wherein said translator program is programmed in an object-oriented programming language (Col.5, lines 32-52); wherein said translator program comprises a plurality of objects (Col.5, lines 32-52).

(E) As per claim 5, McKee discloses the system wherein said translator program is configured to be modified as a function of business requirements of an insurance organization to form a modified translator program (Col.3, lines 44-67).

(F) As per claim 6, McKee discloses the system wherein said rules data are configured to be modified as a function of business requirements of an insurance organization to form modified rules data (Col.3, lines 44-67); wherein said translator program is configured to be modified as a function of business requirements of an insurance organization to form a modified translator program (Col.5, lines 1-52); and wherein said customized translator program is configured to read said modified rules data from said database and transform said modified rules data into a modified plurality of rules (Col.6, lines 10-34).

(G) As per claim 7, McKee discloses the system wherein said plurality of rules are operable in real-time by said rules to engine to assess said value of said insurance claim (Col.7, lines 16-26).

(H) As per claim 8, McKee discloses the system wherein said rules data are configured to be modified as a function of business requirements of an insurance organization to form modified rules data (Col.1, lines 6-57).

(I) As per claim 9, Hammond discloses the system wherein said insurance claim comprises a bodily injury claim, and wherein said value of said insurance claim comprises a trauma severity value (Col.4, lines 33-66).

(J) As per claim 10, McKee discloses the system wherein said rules data is stored in a tabular format in said database (Col.6, lines 10-34).

(K) As per claim 11, McKee discloses the system further comprising: a CPU (Col.6, lines 10-19); a memory coupled to the CPU, wherein said rules engine comprises program instructions which are stored in said memory and executable by said CPU (Col.6, lines 10-24).

(L) As per claim 12, McKee discloses the system wherein said rules comprise logical instructions for assessing said value of said insurance claim (Col.6, lines 10-34).

(M) As per claim 13, McKee discloses the system wherein each rule comprises a premise and one or more resulting actions for assessing said value of said insurance claim (Col.5, lines 1-52).

(N) As per claim 14, McKee discloses the system further comprising: a reporter program which is operable to read said rules data in said database and generate reports using said rules data (Col.6, lines 10-34; Col.7, lines 15-65).

(O) As per claim 15, McKee discloses the system wherein said rules data comprises alphanumeric values stored in said database (Col.5, lines 53-60).

(P) As per claim 16, McKee discloses the system wherein said plurality of rules are configured to be updated by updating said rules data stored in said database (Col.7, lines 5-36).

(Q) As per claim 17, McKee disclose a method comprising: providing a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules (Col.3, lines 44-67; Col.4, lines 25-51); providing a database which stores rules data which is transformable to said plurality of rules (Col.1, lines 6-57), reading said rules data from said database (Col.6, lines 10-34); and transforming said rules data into said plurality of rules for use by said rules engine(Col.1, lines 6-57).

McKee does not explicitly disclose database is separate from said rules engine. However, this feature is known in the art, as evidenced by Hammond. In particular, Hammond suggests a database which is separated from said rules engine (Col.13, lines 54-67 to Col.14, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Hammond within the system of McKee for providing a generated models which are installed onto a designated computer accessible by the insurance carrier. The insurance carrier maintains and updates its

active workers' compensation claims on a host computer at the carrier facility (See Hammond Col.2, lines 31-34).

(R) As per claim 18, Hammond discloses the method further comprising: assessing said value of said insurance claim as a function of said plurality of rules by determining a trauma severity value, wherein said insurance claim comprises a bodily injury claim (Col.4, lines 33-67).

(S) As per claim 19, McKee discloses the method wherein said rules data is stored in a tabular format in said database (Col.6, lines 10-34).

(T) As per claim 20, McKee discloses the method wherein said rules engine comprises program instructions which are to executable by a computer (Col.6, lines 10-19).

(U) As per claim 21, McKee discloses the method wherein said rules comprise logical instructions for assessing said value of said insurance claim (Col.5, lines 1-42).

(V) As per claim 22, McKee discloses the method wherein each rule comprises a premise and one or more resulting actions for assessing said value of said insurance claim (Col.5, lines 1-52).



(W) As per claim 23, McKee discloses the method wherein said rules data comprises alphanumeric values stored in said database (Col.5, lines 53-60).

(X) As per claim 24, McKee discloses the method further comprising: updating said plurality of rules by updating said rules data stored in said database (Col.7, lines 5-36).

(Y) As per claim 25, McKee discloses the method further comprising: updating said rules data in said database (Col.7, lines 5-36); reading said updated rules data from said database (Col.6, lines 10-34); and transforming said updated rules data into updated plurality of rules for use by said rules engine (Col.1, lines 6- 57).

(Z) As per claim 26, McKee discloses the method further comprising: modifying said rules data as a function of business requirements of an insurance organization to form modified rules data (Col.6, lines 10-34).

(AA) As per claim 27, McKee discloses the method further comprising: modifying said plurality of rules to form a modified plurality of rules by using said modified rules data (Col.6, lines 10-34).

(BB) As per claim 28, McKee discloses the method wherein said rules data comprises a plurality of units of line text and a plurality of templates, wherein each of said templates comprises one or more slots, and wherein said transforming said rules data into said plurality of rules comprises, for each of said plurality of rules,

replacing said one or more of said slots in one of said templates with one or more of said units of line text (Col.2, lines 8-20; Co.1.6, lines 6-47; Col.7, lines 36-50).

(CC) As per claim 29, McKee discloses a carrier medium comprising program instructions, wherein said program instructions are computer-executable to implement: providing a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules (Col.3, lines 44-67); providing a database which stores rules data which is transformable to said plurality of rules (Col.1, lines 6-57); reading said rules data from said database (Col.6, lines 10-34); and transforming said rules data into said plurality of rules for use by said rules engine (Col.1, lines 6-57).

McKee does not explicitly disclose wherein said database is separate from said rules engine. However, this feature is known in the art, as evidenced by Hammond . In particular, Hammond suggests wherein said database is separate from said rules engine (Col.13, lines 54-67 to Col.14, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Hammond within the system of McKee for providing a generated models which are installed onto a designated computer accessible by the insurance carrier. The insurance carrier maintains and updates its active workers' compensation claims on a host computer at the carrier facility (See Hammond Col.2, lines 31-34).

(DD) Claims 30-40 recite the underlying process steps of the elements of claims 18-28. As the various elements of claims 18-29 have been shown to be either disclosed by or obvious in view of the collective teachings of McKee and Hammond, it is readily apparent that the carrier-medium disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 30-40 are rejected for the same reasons given above for method claims 18-28, and incorporated herein.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches case management for a personal injury plaintiff's law office using a relational database (6,098,070); method and apparatus for deterring frivolous professional liability claims (6,272,471) and insurance claims estimate, text, and graphics network and method (5,504,674).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643.


Application/Control Number: 09/603,144  
Art Unit: 3626

Page 11

The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F  
V.F

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

October 1, 2002